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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,707	11/27/1998	KENJI SUGIYAMA	P63212US0	9701

7590

11/02/2004

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WASHINGTON, DC 20004

EXAMINER

LEE, Y YOUNG

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/200,707

Applicant(s)

SUGIYAMA, KENJI

Examiner

Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/1/04 has been entered.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishikui et al (5,534,927) in view of Haskell et al (5,629,736).

Shishikui et al, in Figures 2 and 9, discloses an image coding apparatus and methods that is substantially the same apparatus and method for efficiently coding a moving picture signal as specified in claims 1-4 and 7-10 of the present invention, comprising a main coding processor to selectively encode an input moving picture

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signal 62 by intra-picture coding or inter-picture coding in unit of frame or field 51 to output a main bit stream 14; a subsidiary coding processor to encode motion-picture signal portions in specific frames or fields carried by the input moving picture signal 62 by only intra-picture coding to output a subsidiary bit stream 24, the same motion-picture signal portions 62 being also coded by the inter-picture coding by the main coding processor; and a multiplexer 53 to receive the main bit stream and periodically receive the subsidiary bit stream and multiplex the main 14 and subsidiary 24 bit streams so that the subsidiary bit streams 24 for which the motion-picture signal portions 62 have been encoded only by the intra-picture coding by the subsidiary coding processor are periodically inserted in the main bit stream 14 for which the same motion-picture signal portions 62 have also been encoded by the inter-picture coding 51 by the main coding processor in the vicinity of a predetermined number of the frames or fields coded by the inter-picture coding 51, thus generating an output bit stream.

With respect to claims 2-4 and 8-10, Shishikui et al also discloses the main and the subsidiary coding processors execute the intra-picture coding with different coding parameters (12, 22); the main coding processor selectively executes uni-directional predictive coding P and bidirectional predictive coding B in unit of frame or field; and the subsidiary coding processor encodes the specific frames or fields 62 that are also coded by the uni-directional predictive coding P by the main coding processor.

It is noted Shishikui et al differs from the present invention in that it fails to particularly disclose temporary buffers for storing the output main and subsidiary bit streams as specified in claims 1-4 and 7-10. Haskell et al however, in Figure 1, teaches

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the concept of such well known first 133 and second 134 buffers to temporarily store the output bit streams in unit of frame or field and the same multiplexer 147 to receive the bit streams temporarily stored in the buffers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Shishikui et al and Haskell et al before him/her, to exploit the common buffering technique between a coding processor and a multiplexer as taught by Haskell et al in the moving picture signal coding apparatus of Shishikui et al, in order to temporarily stored the encoded bit streams until an entire frame or field of the motion picture signal is completed before multiplexing the streams as an output.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (703) 308-7584.

The examiner can normally be reached on (703) 308-7584.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee
Primary Examiner
Art Unit 2613

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